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09/556,503

04/24/2000

Charles J. Burnett

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AGILENT TECHNOLOGIES, INC.  
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.  
P.O. BOX 7599  
M/S DL429  
LOVELAND, CO 80537-0599

EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/556,503

Applicant(s)

BURNETT, CHARLES J.

Examiner

Barry W. Taylor

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2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/24/00.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qiu et al (6,640,318 hereinafter Qiu) in view of Hardy et al (6,519,323 hereinafter Hardy).

Regarding claim 19. Qiu teaches a slave test unit connected to a digital data network via a phone line (see figure 2 wherein slave 305 is connected to packet network 302); and

a remote test unit (301 figure 2) wherein remote connected to the digital data network (302 figure 2) so that electrical signals are transmitted from the remote test unit (301 figure 2) to the slave test unit (305 figure 2) by traveling via packets through the digital network (302 figure 2) and then over the phone line from the digital data network (302 figure 2) to the slave test unit (305 figure 2) and so that electrical signals are transmitted from the slave test unit (305 figure 2) to the remote test unit (301 figure 2) by traveling from the slave test unit (305 figure 2) to the digital network (302 figure 2) over the phone line and then via packets through the digital network (302 figure 2) wherein electrical signals transmitted from the remote test unit (301 figure 2) to the

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slave test unit (305 figure 2) in response to a call made from the remote test unit with the remote test unit positioned at an end point of the call (see col. 4 lines 1-28 wherein remote is another slave or the slave is another remote and the remote/slave examples include a network device such as a switch (col. 4 line 28)) include a test command indicating a test signal to be generated on the phone line by the slave test unit (305 figure 2), and the slave test unit (305 figure 2) generates the test signal (see loopback in columns 4, 9 and 11, see ringback columns 7 and 10) on the phone line in accordance with test command, the apparatus thereby testing voice signal quality of voice calls transmitted through the phone line and as packets through the digital network (col. 2 lines 7-67, columns 3 and 4 especially "loopback" in column 4, col. 5 line 4 – col. 6 line 23, see "ringback" in columns 7 and 10, see "loopback" in columns 9 and 11).

According to Applicants, Qiu fails to teach the test unit positioned at end point of call (see Applicants general arguments on page 7, paper dated 8/3/05).

Hardy teaches test unit for use at a network interface device (i.e. at end point of call) wherein the test unit may be remotely activated from a remote site (abstract).

Hardy discloses the testing unit may perform multiple types of tests, including tests for detecting line loss, line noise and latency (abstract). Hardy teaches the test unit may be able to generate tones, perform loop-back, silence a line and identify latency for transmitted signals (col. 5 line 59 – col. 6 line 34). Hardy teaches using first and second test units to determine line noise or echo path delay (col. 5 lines 59-67). Hardy also shows the first and second test unit may be used to transmit signals back and forth

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wherein the second unit echos the signal back to first unit. Hardy also shows the first and second test unit may be used to transmit signals back and forth wherein the second unit echos the signal back to first unit. Hardy further shows performing test by generating a test tone, transmitting the test tone and measuring the line loss (col. 7 lines 15-18).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the hub as taught by Qiu to incorporate network interface device as taught by Hardy for the benefit of remotely performing test at the end point of call as taught by Hardy.

Regarding claim 20. Qiu teaches dialback (see ringback in columns 7 and 10).

Regarding claim 21. Qui teaches loopback (see loopback in columns 9 and 11).

Regarding claim 22. Qiu does not teach quiet termination command.

Hardy teaches test unit for use at a network interface device wherein the test unit may be remotely activated from a remote site (abstract). Hardy discloses the testing unit may perform multiple types of tests, including tests for detecting line loss, line noise and latency (abstract). Hardy teaches the test unit may be able to generate tones, perform loop-back, silence a line and identify latency for transmitted signals (col. 5 line 59 – col. 6 line 34). Hardy teaches using first and second test units to determine line noise or echo path delay (col. 5 lines 59-67). Hardy also shows the first and second test unit may be used to transmit signals back and forth wherein the second unit echos the signal back to first unit. Hardy also shows the first and second test unit may be used

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to transmit signals back and forth wherein the second unit echos the signal back to first unit. Hardy further shows performing test by generating a test tone, transmitting the test tone and measuring the line loss (col. 7 lines 15-18).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the slave unit (i.e. 305 figure 2) as taught by Qiu to incorporate silencing element as taught by Hardy for the benefit of silencing portion of network so that noise or echo path delay between slave and remote may be determined.

Regarding claim 23. Qui does not rename remote unit as master. However, Qui discloses that remote unit could be conventional units that uses digital and analog telephony format configured to provide voice, data, and video communications (col. 3 line 29 – col. 4 line 52). Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to rename remote unit (301 figure 2) to be master unit communicating with slave unit (305 figure 2) to thereby provide voice, data and video communications between renamed remote unit (301 figure 2) and slave unit (305 figure 2).

Regarding claim 24. Qui teaches the remote is another slave or the slave is another remote (col. 4 lines 1-28).

Regarding claim 25. Qui teaches DTMF signal (see tone generator 501 figure 4 used by remote unit or slave unit).

Regarding claim 26. Qiu teaches a slave test unit connected to a digital data network via a phone ling (see figure 2 wherein slave 305 is connected to packet network 302); and

a remote test unit (301 figure 2) wherein remote connected to the digital data network (302 figure 2) so that electrical signals are transmitted from the remote test unit (301 figure 2) to the slave test unit (305 figure 2) by traveling via packets through the digital network (302 figure 2) and then over the phone line from the digital data network (302 figure 2) to the slave test unit (305 figure 2) and so that electrical signals are transmitted from the slave test unit (305 figure 2) to the remote test unit (301 figure 2) by traveling from the slave test unit (305 figure 2) to the digital network (302 figure 2) over the phone line and then via packets through the digital network (302 figure 2) wherein electrical signals transmitted from the remote test unit (301 figure 2) to the slave test unit (305 figure 2) in response to a call made from the remote test unit with the remote test unit positioned at an end point of the call (see col. 4 lines 1-28 wherein remote is another slave or the slave is another remote and the remote/slave examples include a network device such as a switch (col. 4 line 28)) include a test command indicating a test signal to be generated on the phone line by the slave test unit (305 figure 2), and the slave test unit (305 figure 2) generates the test signal (see loopback in columns 4, 9 and 11, see ringback columns 7 and 10) on the phone line in accordance with test command, the apparatus thereby testing voice signal quality of voice calls transmitted through the phone line and as packets through the digital network (col. 2 lines 7-67, columns 3 and 4 especially "loopback" in column 4, col. 5 line 4 – col. 6 line 23, see "ringback" in columns 7 and 10, see "loopback" in columns 9 and 11); and means for generating the test signal (see tone generator 501 figure 4) by the slave test unit (305 figure 2) on the phone line in accordance with the test command, to

thereby test voice signal quality of voice calls transmitted through the phone line and as packets through the digital network.

***Allowable Subject Matter***

2. Claims 1-18 are allowed.

***Response to Arguments***

3. Applicant's arguments with respect to claims 19 and 26 have been considered but are moot in view of the new ground(s) of rejection.

a) Applicants request Examiner to consider US patent 4,258,236 on IDS submitted on 4/24/00.

The Examiner was able to find the signed IDS dated 8/24/01 and another copy is being provided to Applicants.



### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (**571-273-8300**).



Barry W. Taylor  
Patent Examiner  
Technology Center 2600  
Art Unit 2643